BILL NO. S-86-08-21

COMMON COUNCIL ORDINANCE NO. S-Withdrawn

A SPECIAL ORDINANCE authorizing the City of Fort Wayne to issue its "Economic Development Mortgage Revenue Bonds (E & R Tool and Machine, Inc. Project)" in the aggregate principal amount of Eight Hundred Thousand Dollars ($800,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Fort Wayne Economic Development Commission has rendered a Report of the Fort Wayne Economic Development Commission concerning the proposed financing of a portion of the costs of economic development facilities for E & R Tool and Machine, Inc. (the "Company"), and the Fort Wayne plan commission has been given an opportunity to comment thereon;

WHEREAS, such facilities consist of an expansion of the tool and die manufacturing operations of E & R Tool and Machine, Inc. (the "Company"), in the City of Fort Wayne, to be located at 2707 Lofty Drive in the County of Allen, Indiana, and to include the acquisition, construction, installation and equipping of a new addition to an existing facility at such location containing approximately 18,000 square feet, the making of various site improvements and the acquisition of various items of new machinery and equipment for use therein in the Company's tool and die manufacturing business (the "Project"), and the Company will be the owner and operator of the Project;

WHEREAS, the Fort Wayne Economic Development Commission after a public hearing conducted on August 21, 1986, adopted a resolution on that date, which resolution has been transmitted hereto, finding that the financing of a portion of the costs of certain economic development facilities of the Company complies with the purposes and provisions of IC 36-7-11.9 and IC 36-7-12, as amended, and that such financing will be of benefit to the health, prosperity, economic stability, general

welfare and public interest of the City of Fort Wayne and the County of Allen and their citizens;

WHEREAS, the Fort Wayne Economic Development Commission has approved the forms of the Loan Agreement, including the Note attached thereto, the Mortgage and Trust Indenture, the City of Fort Wayne, Indiana Economic Development Mortgage Revenue Bonds (E & R Tool and Machine, Inc. Project) (the "Bonds"), the Bond Purchase Agreement, and the Guaranty Agreement by a Resolution adopted August 21, 1986, which Resolution has been transmitted hereto; and

WHEREAS, no member of the Common Council of the City of Fort Wayne has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of IC 36-7-11.9 and IC 36-7-12, as amended, and relating to the economic development facilities project of the Company or to the issuance of the economic development mortgage revenue bonds authorized herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE:

SECTION 1. It is hereby found that the financing of a portion of the costs of the Project, as more particularly set out in Loan Agreement, previously approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Company for the acquisition, construction, installation and equipping of said facilities and the repayment of said loan by the Company, to be evidenced and secured by a promissory note of the Company, will be of benefit to the health, prosperity, economic stability, general welfare and public interest of the City of Fort Wayne and the County of Allen and their citizens and complies with the purposes and provisions of IC 36-7-11.9 and IC 36-7-12, as amended.

SECTION 2. The forms of the Loan Agreement, including the Note attached thereto, the Mortgage and Trust Indenture, the Bonds, the Bond Purchase

Agreement, and the Guaranty Agreement approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents shall be incorporated herein by reference and shall be inserted into the minutes of the Common Council. Two copies of such documents shall be kept on file by the Clerk of the Council for public inspection.

SECTION 3. The City of Fort Wayne shall issue its Economic Development Mortgage Revenue Bonds (E & R Tool and Machine, Inc. Project) in the aggregate principal amount of Eight Hundred Thousand Dollars ($800,000) for the purpose of procuring funds to loan to the Company in order to pay a portion of the costs of acquisition, construction, installation and equipping of the Project, as more particularly set out in the Loan Agreement and the Mortgage and Trust Indenture incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by the Company on its promissory note which will be executed and delivered by the Company to evidence and secure said loan and from other sources under the Loan Agreement, or as otherwise provided in the above described Mortgage and Trust Indenture and Bond Purchase Agreement. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne or the County of Allen. The Bonds shall be issued only in fully registered form, and in denominations of $10,000 or integral multiples thereof, and shall mature, be dated, be subject to redemption and be payable in the medium and at the place or places and in the manner provided in the Mortgage and Trust Indenture and in the Loan Agreement approved by this ordinance and incorporated herein by reference.

SECTION 4. The Mayor and Clerk are authorized and directed to sell such Bonds to the purchasers set forth in the Bond Purchase Agreement at a price equal to 100% of the principal amount thereof, plus accrued interest, if any, and at a per annum rate of interest on the outstanding principal balance as provided in the

Mortgage and Trust Indenture and incorporated by reference herein, provided that in no event shall the interest rate exceed 25% per annum except should a Determination of Taxability, as defined in such Mortgage and Trust Indenture, occur, in which case the interest rate shall not exceed 35% per annum.

SECTION 5. The Mayor and Clerk are authorized and directed to execute manually the Loan Agreement, the Mortgage and Trust Indenture, the Bond Purchase Agreement and the Bonds approved herein on behalf of the City of Fort Wayne, and by their execution of such documents, the Mayor and Clerk may approve any changes therein without further approval of the Common Council or the Fort Wayne Economic Development Commission, excepting, however, such changes as must be approved pursuant to IC 36-7-12-25 and IC 36-7-12-27. The Mayor and Clerk are authorized and directed to execute any other documents which may be necessary or desirable to consummate the transaction. The Mayor and Clerk are authorized to arrange for the delivery of such Bonds to the purchaser thereof, payment for which will be made to the Trustee named in the Mortgage and Trust Indenture.

SECTION 6. The provisions of this Ordinance, the Loan Agreement and the Mortgage and Trust Indenture securing the Bonds shall constitute a contract binding between the City of Fort Wayne and the holders of the City of Fort Wayne, Indiana Economic Development Mortgage Revenue Bonds (E & R Tool and Machine, Inc. Project), and after the issuance of said Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said Bonds or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after compliance with the procedures required by law.

Councilman

Approved as to form and legality.

Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by Gia Quinta, seconded by Carter, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock____.M.,E.S.

DATE: 8-26-86 Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	____	____	_____	_____	_____
BRADBURY	____	____	_____	_____	_____
BURNS	____	____	_____	_____	_____
EISBART	____	____	_____	_____	_____
GiaQUINTA	____	____	_____	_____	_____
HENRY	____	____	_____	_____	_____
REDD	____	9	_____	_____	_____
SCHMIDT	____	____	_____	_____	_____
STIER	____	____	_____	_____	_____
TALARICO	____	____	_____	_____	_____

Win Moses

DATE: _____

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO._____ on the _____day of _____, 19_____,

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____day of _____, 19_____, at the hour of _____o'clock_____.M.,E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____day of _____, 19_____, at the hour of _____o'clock_____.M.,E.S.T.

WIN MOSES, JR., MAYOR

MEMO

TO: Sandy Kennedy, City Clerk

FROM: Fred Baughman

SUBJECT: City Council Agenda

DATE: September 2, 1986

O-86-08-21

E & R Tool & Machine is scheduled for Finance Committee meeting tonight to discuss economic development revenue bond. They have found another source of financing, therefore, please pull that Resolution.

Thank you

BILL NO. S-86-08-21

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) authorizing the City of Fort Wayne to issue its "Economic Development Mortgage Revenue Bonds (E & R Tool and Machine, Inc., Project)" in the aggregate principal amount of Eight Hundred Thouswnd Dollars ($800,000) and approving and authorizing other actions in respect thereto

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~) Withdrawn

YES		NO
	MARK E. GiaQUINTA CHAIRMAN	
	CHARLES B. REDD VICE CHAIRMAN	
	PAUL M. BURNS	
	JANET G. BRADBURY	
	JAMES S. STIER	

CONCURRED IN _____

SANDRA E. KENNEDY
CITY CLERK